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12 Certificateholders of the CWALT, Inc., Alternative Loan Trust 2007-OA3 Mortgage Pass-  
13 Through Certificates, Series 2007-OA3*

14 **UNITED STATES DISTRICT COURT  
15 DISTRICT OF NEVADA**

16 THE BANK OF NEW YORK MELLON FKA  
17 THE BANK OF NEW YORK AS TRUSTEE  
18 FOR THE CERTIFICATEHOLDERS  
19 OF THE CWALT, INC., ALTERNATIVE  
20 LOAN TRUST 2007-OA3 MORTGAGE PASS-  
21 THROUGH CERTIFICATES, SERIES  
22 2007-OA3,

23 Case No.: 2:19-cv-01566-CDS-BNW

24 **STIPULATION AND ORDER FOR  
25 LIMITED STAY OF CASE**

26 Plaintiff

27 vs.

28 FIDELITY NATIONAL TITLE GROUP, INC.  
and CHICAGO TITLE INSURANCE  
COMPANY,

Defendants

29 Plaintiff, The Bank of New York Mellon fka The Bank of New York as Trustee for the  
30 Certificateholders of the CWALT, Inc., Alternative Loan Trust 2007-OA3 Mortgage Pass-  
31 Through Certificates, Series 2007-OA3 (“Plaintiff”) and Defendants Fidelity National Title  
32 Group, Inc. and Chicago Title Insurance Company (“Defendants”, and with Plaintiff, the  
33 “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

34 This matter involves a title insurance coverage dispute wherein Plaintiff contends, and  
35 Defendants disputes, that the title insurance claim involving an HOA assessment lien and

1 subsequent sale was covered by the subject policy of title insurance. There are now currently  
2 pending in the United States District Court for the District of Nevada and Nevada state courts  
3 more than one-hundred actions between national banks, on the one hand, and title insurers, on the  
4 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA  
5 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9  
6 and/or CLTA 115.2/ALTA 5 Endorsements.

7         This matter was previously stayed pending a Ninth Circuit appeal in *Wells Fargo Bank,*  
8 *N.A. v. Fidelity Nat'l Title Ins. Co.*, Ninth Circuit Case No. 19-17332 (District Court Case No.  
9 3:19-cv-00241-MMD-WGC) (“*Wells Fargo II*”) [ECF No. 10], which resolved on November 21,  
10 2021.

11         The Parties have conferred and believe another limited six-month stay is warranted. The  
12 *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737  
13 (“*PennyMac*”) appeal remains pending. Additionally, there is another fully briefed appeal to the  
14 Nevada Supreme Court involving a similar coverage dispute in *Deutsche Bank Nat'l Trust Co. v.*  
15 *Fidelity Nat'l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”). Both  
16 *PennyMac* and *Deutsche Bank* are fully briefed, but oral argument has not been set. The Parties  
17 anticipate that the Nevada Supreme Court’s decisions in the foregoing appeals may touch upon  
18 issues regarding the interpretation of policy and claims handling, that could potentially affect the  
19 disposition of the instant action.

20         Accordingly, the Parties believe an additional stay of six months in the instant action will  
21 best serve the interests of judicial economy. The Parties request that the action be stayed for an  
22 additional six months, through and including, August 7, 2023. The Parties are to submit a Joint  
23 Status Report on or before August 7, 2023. The Parties further agree that this stipulation and stay  
24 of this case is entered based on the specific circumstances surrounding this particular case, and  
25 that this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

26         **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby  
27 stipulate and agree as follows:

28

1. In the interests of judicial economy and in efforts to preserve the Parties' resources, the Parties request that this action be **STAYED FOR AN ADDITIONAL SIX (6) MONTHS**, through and including, August 7, 2023.
  2. All deadlines currently set in this case shall remain **VACATED**.
  3. The Parties are to submit a Joint Status Report on or before August 7, 2023.
  4. By entering into this Stipulation, none of the Parties is waiving its right to subsequently move the Court for an order lifting the stay in this action.
  5. Notwithstanding this Stipulation, the Parties may continue to conduct third-party discovery (including by issuing and enforcing third-party subpoenas) to preserve evidence.

## **IT IS SO STIPULATED.**

DATED this 6<sup>th</sup> day of February, 2023.

DATED this 6<sup>th</sup> day of February, 2023.

## WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN LLP

*/s/ Lindsay D. Dragon*

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for the Certificateholders of the CWALT*

for the Certificateholders of the CWAET,  
Inc. Alternative Loan Trust 2007-QA3

*Inc., Alternative Loan Trust 2007-QAS  
Mortgage Pass Through Certificates, Series*

Mongage  
2007.04.3

*/s/ Kevin S. Sinclair*

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**Encino, California 91436**  
**Attorney for Defendants**

*Attorney for Defendants First National Title Group, Inc. and Chicago Title Insurance Company*

## *Company*

## **IT IS SO ORDERED.**

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**UNITED STATES DISTRICT JUDGE**

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Dated: February 7, 2023